# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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| Applicant: | Jeffrey W. Chambers | Examiner: | Brian E. Pellegrino |
| Serial No.: | 10/812,250 | Group Art Unit: | 3738 |
| Filed: | March 29, 2004 | Docket No.: | C364.105.101 |
| **Due Date:** | **January 29, 2010** | | |
| Title: | STENT POSITIONING SYSTEM AND METHOD | | |

## RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

**Mail Stop Appeal Brief – Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Notification of Non-Compliant Appeal Brief mailed January 22, 2010, please enter the following the Revised Summary of Claimed Subject Matter as an amendment to, or replacement of, the "Summary of the Claimed Subject Matter" section of the Appeal Brief filed March 19, 2009. Pursuant to MPEP §1205.03, it is believed that the Revised Summary is fully responsive to the Notification.

## REVISED SUMMARY OF THE CLAIMED SUBJECT MATTER

Discussions about features of independent claim 28 can be found *at least* at the cited locations in the specification and drawings.

Claim 28 relates to a method of deploying an intravascular stent 216 within a patient. *Page 10, lines 29-34; page 16, lines 4-5; FIGS. 15A, and 19A-E.* The method includes delivering a distal end 222 of a guiding catheter 210 adjacent an ostium 251 of a vessel 252 to be stented. *Page 16 lines 4-5; FIG. 19A.* A deployment site locator 212 is guided in a collapsed state through the delivered guiding catheter 210. *Page 16, lines 21-22; FIG. 18A.* The deployment site locator 212 includes a base 232 and a plurality of rods 230 affixed to the base 232. *Page 11, lines 12-23; FIG. 16.*

The plurality of rods 230 are extended from the distal end of the delivered guiding catheter 210 such that the plurality of rods 230 transition from the collapsed state to an expanded state in which the plurality of rods 230 expand relative to one another to collectively define a maximum outer dimension greater than a maximum dimension of the ostium 251. *Page 13, lines 20-28; page 16, line 29 – page 17, line 3; FIGS. 18B and 19B.*

A position of the ostium 251 is determined by contacting bodily structures 254 of the patient apart from the vessel 252 and immediately proximate the ostium 251 with at least one of the plurality of rods 230 and the deployment site locator 212 in the expanded state. *Page 17, lines 3-13; FIG. 19B.*

The stent 216 is delivered through the guiding catheter 210 to a desired stent location. The desired stent location is based upon the determined position of the ostium. *Page 17, lines 14-27; page 19, lines 2-3; FIG. 19C.* The stent 216 is deployed at the desired stent location. *Page 18, lines 23-25; FIG. 19D.* The deployment site locator 212 is withdrawn from the patient. *Page 19, lines 5-13; FIG. 19E.*

## CONCLUSION

Any inquiry regarding this Revised Summary of the Claimed Subject Matter should be directed to Timothy A. Czaja at Telephone No. (612) 573-2004, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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